

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**601 NEW JERSEY AVENUE, NW  
SUITE 9500  
WASHINGTON, DC 20001**

September 20, 2005

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA)

v.

WEBSTER COUNTY COAL LLC

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Docket No. KENT 2004-67

BEFORE: Duffy, Chairman; Jordan, Suboleski, and Young, Commissioners

**ORDER**

BY THE COMMISSION:

On August 31, 2005, the Secretary of Labor filed with the Commission a Motion to Correct the Decision Approving Settlement issued in these proceedings by Commission Administrative Law Judge T. Todd Hodgdon on November 8, 2004. The Secretary seeks to correct a mistake her counsel made in calculating the total penalty amount, which was subsequently submitted to the judge. The judge's order became a final order of the Commission 40 days after its issuance. 30 U.S.C. § 823(d)(1). Under Commission Procedural Rule 69(c), a judge may correct clerical errors in a final order with leave of the Commission. 29 C.F.R. § 2700.69(c).

Upon consideration of the Secretary's motion, it is granted. We reopen the case, remand the matter to the judge, and grant him leave to correct the error.

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Michael F. Duffy, Chairman

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Mary Lu Jordan, Commissioner

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Stanley C. Suboleski, Commissioner

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Michael G. Young, Commissioner

## Distribution

Thomas A. Grooms, Esq.  
Office of the Solicitor  
U.S. Department of Labor  
618 Church Street, Suite 230  
Nashville, TN 37219-2456

Thomas C. Means, Esq.  
Crowell & Moring, LLP  
1001 Pennsylvania Ave., N.W.  
Washington, D.C. 20004-2502

Toni Balot  
Office of Assessments  
U.S. Department of Labor  
1100 Wilson Blvd., 21<sup>st</sup> Floor  
Arlington, VA 22209-3939

Administrative Law Judge T. Todd Hodgdon  
Federal Mine Safety & Health Review Commission  
Office of Administrative Law Judges  
601 New Jersey Avenue, N.W., Suite 9500  
Washington, D.C. 20001-2021